

In the High Court for the States of Punjab and Haryana, at Chandigarh.

RSA No. 561 of 2007 (O&M)
Decided on February 22,2007

Rattan and another --- Appellants

vs.

Prem Singh & others --- Respondents.

Present: Mr. B.R.Vohra, Advocate,for the appellants

Pritam Pal,J:(Oral)

This Regular Second Appeal by appellants/defendants (hereinafter referred to as 'the appellants'), is directed against judgment dated June 09,2006, passed by Addl. Civil Judge (Senior Division) and judgment and decree dated January 23,2007, passed by Addl. District Judge, Sonapat, respectively, whereby both the Courts below, are in *unison*, while holding that the respondents/plaintiffs (hereinafter referred to as 'the respondents'), are entitled to a decree of mandatory injunction directing the appellants to remove the encroachment from the plot in question.

The only contention in this appeal raised by the learned counsel for the appellants is that the respondents have not proved their title over the disputed site, therefore, the Courts below should not have granted a decree of mandatory injunction. It is pertinent to mention here that the respondents, in order to prove their case, have

examined PW-1, Taken, PW-2, Daya Ram, Draftsman; PW-3, Bhagwan Dass, PW-4, Vir Singh and PW-5 Rampat. Besides that, documentary evidence in the shape of order of learned Commissioner Ex.P-1 and order of learned Civil Judge (Junior Division) Ex.P-2, have also been placed on the file, whereas, to rebut the aforesaid evidence of the plaintiffs/respondents, no evidence whatsoever was led by the appellants inspite of the fact that ample opportunities were granted to them by the learned trial Court. The concurrent findings arrived at by the Courts below on all the material issues, are neither perverse nor unreasonable. Moreover, learned counsel for the appellants also failed to make out any substantial question of law, for consideration by this Court.

Hence, this Regular Second Appeal is hereby dismissed in *limine*.

February 22,2007
RR

(Pritam Pal)
Judge